**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

David Gordon Oppenheimer,	)	
	)	
Plaintiff,	)	Case No: 1:23-cv-14792
	)	
v.	)	Dist. Judge Martha M. Pacold
	)	
Christopher Engelmann,	)	Mag. Judge Beth W. Jantz
	)	
Defendant.	)	
	)	

JOINT STATUS REPORT

Pursuant to the Court's minute entry dated February 21, 2024 [Dkt. 6], Plaintiff, David Gordon Oppenheimer ("Oppenheimer" or "Plaintiff") and Defendant Christopher Engelmann ("Engelmann" or "Defendant"), submit this Joint Status Report:

1. **Nature of the Case**

   a. The attorney of record for Oppenheimer is Ilya G. Zlatkin of Zlatkin Cann Entertainment.

   b. The attorney of record for Engelmann is Mason S. Cole of Cole Sadkin, LLC.

   c. Plaintiff and Defendant will determine their respective lead trial attorney(s) at a later date.

   d. This case involves use of a photograph of an aerial view of the Sydney Marovitz Golf Course in Chicago, Illinois ("Photograph") without authorization from Plaintiff. Plaintiff claims that Defendant infringed upon Plaintiff's copyrights, including by causing the display of the Photograph for the purpose of promoting Defendant's real estate business through multiple URLs (collectively, "Infringing URLs"). Plaintiff also alleges that

Defendant committed multiple violations of Section 1202 of the Digital Millennium Copyright Act ("DMCA") by removing Plaintiff's copyright management information ("CMI") from the Photograph and reproducing, distributing, and/or displaying the Photograph without Plaintiff's CMI at the Infringing URLs.

e. Defendant filed an answer to Plaintiff's complaint on February 29, 2024. As of the date of this status report, Defendant has not asserted any affirmative defenses.

f. Plaintiff seeks actual and statutory damages for the copyright infringement, including for willful infringement, under 17 U.S.C. § 504. Plaintiff also seeks actual and statutory damages for each violation of the DMCA under 17 U.S.C. § 1203(c). Plaintiff also seeks an award of litigation costs and reasonable attorneys' fees under 17 U.S.C. § 505 and 17 U.S.C. § 1203(b)(5).

2. **Jurisdiction**

a. The Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. **Status of Service**

a. Defendant has agreed to waive service.

4. **Consent to Proceed Before a United States Magistrate Judge**

a. Plaintiff's counsel has advised Plaintiff that the parties may proceed before a Magistrate Judge if the parties consent unanimously to such proceedings.

     b. Defendant's counsel has advised Defendant that the parties may proceed before a Magistrate Judge if the parties consent unanimously to such proceedings.

     c. Both parties unanimously consent to proceed before the Magistrate Judge for all purposes.

     d. As of the date of this report, this case has been referred to the Magistrate Judge for the purpose of holding proceedings related to discovery supervision and scheduling, to set a deadline to file amended pleadings, to set a dispositive motions schedule, and for settlement. [Dkt. 8].

5.   Motions:

     a. Currently, there are no pending motions.

6.   Status of Settlement Discussions:

     a. The parties engaged in settlement discussions prior to the initiation of this litigation. The parties were not close to a settlement prior to litigation.

     b. No meaningful settlement discussions have occurred since the initiation of this litigation, though the parties anticipate continuing to negotiate in good faith.

     c. The parties anticipate that they will request a settlement conference in this case.

Dated: March 6, 2024

Respectfully submitted,	Respectfully submitted,
DAVID GORDON OPPENHEIMER	CHRISTOPHER ENGELMANN
By: /s/ Ilya G. Zlatkin	By: /s/ Mason S. Cole
Ilya G. Zlatkin	Mason S. Cole
ZLATKIN CANN ENTERTAINMENT	COLE SADKIN, LLC
4245 North Knox Avenue	1652 West Belmont Avenue, Suite 1
Chicago, Illinois 60641	Chicago, Illinois 60657
Tel: (312) 809-8022	Tel: (312) 548-8610
ilya@zce.law	mcole@colesadkin.com
Attorney for Plaintiff David Gordon Oppenheimer	*Attorney for Defendant Christopher Engelmann*